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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by France Libertés : Fondation Danielle Mitterrand, Les Amis de la Terre-Togo, Stichting Forest Peoples Programme, non-governmental organizations in special consultative status, International Educational Development, Inc., Mouvement contre le racisme et pour l'amitié entre les peuples, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-03870 (E)
1403870

Please recycle

The Right of Indigenous Batwa Peoples to Land and Natural Resources in Uganda

The Batwa people do not enjoy their fundamental human rights and freedoms like other Ugandans. The international community and the Government of Uganda have benefited from the establishment of Bwindi, Mgahinga National Parks and Ecuya central forest Reserve at the expense and suffering of the Batwa

The Batwa are a marginalized indigenous minority group who live in Southwestern Uganda. Following the 1990 Ugandan government policy on biodiversity conservation, Batwa were evicted from Echuya, Mgahinga and Bwindi forests when the forests were gazetted as national parks becoming World Heritage Sites for preservation of endangered mountain gorillas[1].Unfortunately, no compensation was provided for the displaced Batwa, either in cash or as alternative lands. After forested land fell into the control of agro-industry and conservation by the government, the Batwa were forced to abandon their traditional lifestyle based on hunting and gathering becoming dependents on occasional work and begging. As one mutwa made a statement to park researchers "*The forest is our food, our life*"[2]. They encounter prejudice and discrimination on the part of the dominant culture, which refers to them as so-called Pygmies. The Batwa have become landless squatters living on the margins of both nature and life[3]. Their customary rights to land are not recognized by the state and they have no recourse to compensation, resulting in a situation where the majority is landless.

In Uganda, 80% of Batwa do not even have land on which to build a hut, and landless Batwa have nowhere left to go. As a result, they remain transient squatters constantly looking for somewhere they can lodge until they are moved on. As one Mutwa woman noted:
"These people who let us stay on their land, they call on us to cultivate. If we refuse they say 'Move away, we no longer want you.' We are not settled here, because other local people are pressing the landowners saying 'What do you need Batwa for?' and at any time we may have to shift and settle elsewhere. If the owners are sympathetic, they move us to another bit of land, which we fertilize for them by living on it. The landlords don't let us put up toilets because they don't want anything permanent on their land, or holes which could be a problem for cultivation later. But if they catch us defecating in the fields, they are angry. My daughter was caught and was forced to remove the faeces with her hands."
With an estimated population of only 6,700 Batwa in Uganda, discrimination, poverty and exclusion directly affect the their ability to find work and positions of responsibility as the majority of them remain isolated from the rest of Ugandan society due to their poverty and the mutual distrust that exists between the Batwa and Uganda's other ethnic groups. Many Batwa communities are highly stressed through unremitting, severe poverty, prejudice and conflicts from their neighbors and internal frictions between households resulting in additional threats to the Batwa. The discrimination and marginalization experienced by the Batwa from neighboring communities is deeply entrenched and takes the form of land rights violations, poor education and provision of social services[4], negative stereotyping (the Batwa are seen as backward and childish, incapable of speaking for or representing themselves, as thieves, dirty, ignorant and immoral), and segregation (Batwa people are often not allowed to draw water from a well at the same time as others, and intermarriage with other ethnic groups is frowned upon).
The rights of Indigenous Batwa to both the land and the resources on these lands are well established under international and national legislation. The Universal Declaration of Human Rights[5] recognizes each person's fundamental right to a decent standard of living, including access to drinking water and sanitation. Article 17 of the Declaration guarantees the right to own property either individually or in association with others. To safeguard this right, the Declaration proscribes arbitrary acquisition of property. Article 22 of the declaration requires states to promote the right to social security and economic development. This right includes the freedom to exercise economic,

[1] Kabananyuke and Wily, op. cit., Kingdon, E., 'Caught between two worlds: moral problems relating to conservation in south-west Uganda'.
[2] Kabananyuke and Wily, op. cit., p. 144.
[3] ACODE Policy Research Series, No.17, 2006.
[4] John Rwubaka, 2005. "We Batwa face discrimination" in The New Vision, November 9, 2005. Kampala.
[5] United Nations (Adopted by the UN General Assembly on 10 December 1948) : http://www.un.org/en/documents/udhr/.

social and cultural rights, rights that are indispensable to the dignity of humankind. Yet, protection and implementation of the right to safe drinking water and sanitation[6]depends on other rights: the right to determine its own development priorities; the right to land and natural resources; the right to consultation, to free, prior and informed consent; and the right to self-determination. All these rights have been enshrined in the International Labour Organization's Convention No 169 (ILO[7]) and in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP[8]).
Article 1 of the International Covenant on Civil and Political Rights[9] contains the self-determination clause, which calls upon states to grant indigenous groups the right to freely determine their political status and freely pursue their economic, social and cultural development. This article implicitly recognizes the right to exploit natural resources in pursuit of social and economic development. Hence the denial of indigenous peoples' right to own, use and exclude them from exploiting natural resources is in contradiction to the right to self-determination.
Uganda ratified the Covenant on Economic Social and Cultural Rights in 1987. Article 1 re-affirms the right to self-determination established by the International Covenant on Civil and Political Rights. The covenant recognizes the right to property and proscribes acts which lead to the deprivation of peoples' property especially property from which they derive their subsistence[10]. In general the Covenant gives economic, social and cultural rights the same level of importance to other human rights thus giving a platform for promoting CBPRs as fundamental human rights.

This statement is therefore to draw the attention of the Human Rights Council to the violation of the right to land and Free, Prior and Informed Consent of Indigenous Batwa peoples in Southwestern Uganda through the conservation of Bwindi and Mgahinga and Ecuya protected areas. We call on the government of the Republic of Uganda to assume its responsibilities and its obligation to protect Indigenous Batwa people's fundamental rights.

In particular, we urge the government to:

- Observe their international commitments, including the United Nations Declaration on the Rights of Indigenous Peoples, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights; ILO Convention n°169;
- Invoke the provisions of article 32 of the Constitution[11] and articulate a comprehensive affirmative action programme for the Batwa community covering areas like access to forest resources, revenue sharing arrangements[12], education, health services, housing, water and sanitation and to bring the Batwa issues into the work of Equal Opportunity commission
- Restore the Batwa peoples' rights and facilitate them to live with dignity and confidence in particular all lands which have been illegally expropriated from the Batwa should be returned to them.
- Recognize Batwa collective land rights in the constitutional law[13], in accordance with international standards on indigenous peoples' rights, in particular ensure that Batwa women are not discriminated against on the basis of sex and ethnicity in their claims and rights to own land.

We ask the Human Rights Council to urge the Ugandan Government and the international community meet their international law and constitutional obligations towards Batwa communities. Our organizations appeals to:

- The Special Rapporteur on the rights of indigenous peoples
- The Special Rapporteur on adequate housing
- The Special Rapporteur on the human right to safe drinking water and sanitation

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[6] Recognized by the UN general Assembly resolution 64/292 on July 28th 2010, A/RES/64/292.
[7] International Labour Organisation (adopted on 27 Jun 1989 and entry into force: 05 Sep 1991) http://www.ilo.org/dyn/normlex/fr/f?p=1000:12100:0::NO::P12100_ILO_CODE:C169.
[8] United Nations (adopted by the General Assembly on 13 September 2007) http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.
[9] United Nations (adopted on 16 Dec 1966 and entry into force on 21 Oct 1976) http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx.
[10] United Nations (adopted on 16 December 1966 and entry into force on 23 March 1976) http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx.
[11] Article 32 of the Constitution enjoins Government to take action in support of marginalized and disadvantaged groups.
[12] Wildlife Act, Cap 2000. Law of Uganda, Revised Edition, 2000. Section 69(4).
[13] Constitution of the Republic of Uganda 1995.

- The Special Rapporteur on extreme poverty and Human Rights
- The Independent Expert on human rights and the environment to pay special attention to the serious and repeated violations of rights in particular the right to land and free prior and informed consultation of indigenous peoples.

Association of Humanitarian Lawyers, Gender Equality and Women Empowerment for Development (GWEFODE), Society for Threatened Peoples Switzerland, United Organisation for Batwa Development in Uganda (UOBDU), NGO(s) without consultative status, also share the views expressed in this statement.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the International Youth and Student Movement for the United Nations, non-governmental organization in general consultative status, France Libertés: Fondation Danielle Mitterrand, Emmaus International Association, International Organization for the Elimination of All Forms of Racial Discrimination, Les Amis de la Terre-Togo, Permanent Assembly for Human Rights, Women's International League for Peace and Freedom, non-governmental organizations in special consultative status, International Educational Development, Inc., non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

For a global governance of migration to combat Human Rights violations

International migration is a fundamentally human phenomenon. So Article 13 of the Universal Declaration of Human Rights[1] and Article 12 of the International Covenant on Civil and Political Rights[2] recognize the right of all persons to freedom of movement and to residence within a State, also the right of all to leave any country, including their own. Although a right to migrate exists when fundamental rights are involved (asylum, family reunification), international law paradoxically recognizes the right to emigrate, but not to immigrate.

Globalization has intensified economic, social, cultural and political exchanges, facilitated by the development of communication technology and transportation. However there remains a contradiction between the existence of the free movement of capital, goods and information and the fact that there are restrictions on free movement of people. In the context of the current economic and social crisis, there also exists discriminations and fears created by migration related to social, economic and identity criteria.

International migration continues to grow, although the increase in the number of migrants has slowed down since 2007[3]. Approximately 3% of the world population was born in another country than that of their residence. In 2013, the OECD counted 232 million international migrants, including 122 million towards the North (South-North and North-North) and 110 million towards the South (South-South and North-South).

The aging of populations of industrial societies make it all the more evident that migration is here to stay. Migration issues can no longer be ignored and that containment strategies will not suffice. As emphasized by the Special Rapporteur on the human rights of migrants in his 2013 report to the General Assembly[4], it is necessary to fundamentally change our viewpoint on migrations. As an international phenomenon, migration must first and foremost be the subject of global governance, before being the target of national policies.

Unilateral and interstate migration management currently prevails

Although migration is by definition transnational, the absence of a general framework on this issue has resulted in fragmented governance with different institutional approaches and normative frameworks for each aspect of migration (asylum seekers, human trafficking, human rights, migrant labour rights...). Thus, within the United Nations, there is no agency specialized in migration. Responsibilities in this area are shared between the High Commissioner for Refugees, the International Labour Organisation, and other structures such as the High Commissioner for Human Rights and the Department of Economic and Social Affairs of the United Nations.
Furthermore, the international initiatives to dialogue on the issue of migration, such as the Global Forum on Migration and Development and the Global Migration Group, remain informal processes that have a limited scope and produce non-normative decisions.

In the face of this lack of general framework, States tend to regulate migration on a unilateral basis, responding to domestic political pressure and populist rhetoric against immigrants. On the contrary it is essential that migrants are primarily considered as human beings with rights.
The populist rhetoric is accompanied by an essentially security-oriented treatment of migration, which has become *de facto* the global standard for controlling migration. Within the European Union institutional and policy structures, migration and border control have been increasingly integrated into security frameworks that emphasize policing, defense and criminality over a rights-based approach[5].

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[1] Universal Declaration of Human Rights, 1948, http://www.un.org/en/documents/udhr/.
[2] International Covenant on Civil and Political Rights, 1966, http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx
[3] OCDE, International Migration Data, UN/DESA, October 2013. http://www.oecd.org/fr/els/mig/les-migrations-internationales-en-chiffres.pdf.
[4] Report of the Special Rapporteur on the human rights of migrants, August 2013, A/68/283.
[5] Report of the Special Rapporteur on the human rights of migrants, April 2013, A/HRC/23/46.

However, reinforcing physical and legal barriers, as well as strengthening border controls via the Frontex agency and the EUROSUR monitoring system, has neither stemmed the flow of migrants, which remains constant[6], nor provided protection to migrants.

On the contrary, these restrictive migration policy developments have led to complex avoidance strategies and have increased the legal, economic and human vulnerability of migrants. Migrants face great difficulties in protecting and enforcing their rights, because their access to information and justice is often limited or hindered. This encourages the mafia that make clandestinity prey to daily tragedies, whether at borders, in detention centers, at school or in the workplace. The situation of domestic workers - mostly women living in total dependence on their employers - in many countries in Asia and the Gulf is emblematic of this vulnerability[7].
In addition, migrants use riskier and riskier routes in order to reach their destination. A study revealed that more than 23,000 men, women and children have died at Europe's borders since 2000[8]. This unbearable reality demonstrates the limits of containment policies.

So we must strengthen the rights of migrants, that is to say their ability to migrate legally and denounce the practices of the mafia. Elaborating an international status of migrants could be the first step in a multilateral negotiation on migration flows.

Global migration governance to protect migrants' rights

To face up to this situation, it is urgent to establish a global governance which improves coordination and cooperation between different actors (governments, civil society, business, migrants), improves migration management and establishes a legal framework for increasing the respect of human rights.
The main objective of this human-rights based governance is to reduce the vulnerability of migrants. On the longer-term, it will accompany the emergence of a right to mobility as a major and assumed dynamic of globalization[9].

Inscription of migration issues in the global public agenda will help move the debate on migrations on from fighting illegal immigration and controlling migration flows towards discussing the real long-term challenges posed by migration.

That is why we call for the holding of regular high-level dialogues on migration, in a multi-stakeholder discussion process, including civil society, trade unions, companies etc.

Since migration issues are becoming increasingly more central in international debates, we support the idea of a more structured global governance of migration, aiming to be normative, as opposed to the current system, which is largely unregulated and composed of a multitude of uncoordinated actors.

Recommandations

- We remind States of the need to establish a coherent and integrated global governance system of international migration, which strongly focuses on human rights.

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[6] Guy J. Abel, Nikola Sander, "Quantifying Global International Migration Flows", Science 28 March 2014, http://www.sciencemag.org/content/343/6178/1520.full.

[7] Report of the Special Rapporteur on the human rights of migrants, Addendum - Mission to Qatar, April 2014, A/HRC/26/35/Add.1.

[8] This calculation is made from databases that list only the documented dead and missing persons. Many people get lost at sea and in the desert, without leaving a trace. http://www.monde-diplomatique.fr/carnet/2014-03-31-morts-aux-frontieres.

[9] Bertrand BADIE, Guillaume DEVIN, Rony BRAUMAN, Emmanuel DECAUX, Catherine WIHTOL DE WENDEN, « *Pour un autre regard sur les migrations. Construire une gouvernance mondiale* », La Découverte, 2008.

- We support the recommendation for the holding of regular high level dialogues on migration[10] made by the Special Rapporteur on the human rights of migrants in its 2013 report. This coordination framework would be open to all actors in the field of migration (States, civil society, trade unions…).
- We call for the creation, within the UN, of an institutional framework for migration focused on human rights.
- The role of this institutional framework will also be to develop an international status for migrants.
- We call for recognition of the right to migrate, as a freedom of mobility for individuals which extends and complements the other fundamental rights.

Our organizations call:

- The Special Rapporteur on the human rights of migrants
- The Special Rapporteur on trafficking in persons, especially in women and children
- The Special Rapporteur on Contemporary forms of slavery
- The Independent expert on human rights and international solidarity
- The Independent expert on the promotion of a democratic and equitable international order
- The Special Rapporteur on contemporary forms of racism

To pay particular attention to the serious and recurrent violations of migrants' rights and the fundamental right of every person to freedom of movement.

Association of Humanitarian Lawyers, Centre de Recherche et d'Information pour le Développement (CRID), Forum des Organisations de Solidarité Internationale issues des Migrations (FORIM), Organisation pour une Citoyenneté Universelle (OCU), Réseau Immigration Développement Démocratie (IDD), Mouvement Utopia NGO(s) without consultative status, also share the views expressed in this statement.

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[10] Report of the Special Rapporteur on the human rights of migrants, August 2013, A/68/283.

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Human Rights Council
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Written statement* submitted by France Libertés : Fondation Danielle Mitterrand, a non-governmental organization in special consultative status

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1403881

Please recycle

Shale gas: abuse and human rights violations in Pungeşti, Romania

In 2013, in the village of Pungeşti, in the south-east of Romania, many fundamental rights were trampled on several occasions. The violated rights are enshrined in the Universal Declaration of Human Rights[1] (articles 13, 19, 20), in the International Convenant on Civil and Political Rights[2] (articles 12, 19 et 25[3]) and in Principle 10 of the Rio Declaration from1992[4], namely the right to freedom of movement, the right to freedom of opinion and expression, the right to freedom of assembly and the rights of access to information and public participation in decision-making.

Moreover, the right to safe drinking water and sanitation, recognized by UN General Assembly resolution 64/692 as "a human right that is essential for the full enjoyment of life and all human rights"[5], the right to health[6], the right to food[7] and the right to a healthy environnement[8] are equally imperilled. Therefore, article 3 of the Universal Declaration of Human Rights that stipulates that "everyone has the right to life, liberty and security of person" is at equal risk of being violated.

The territory of the commune of Pungeşti, inhabited mainly by farmers who survive from agriculture and farmed animals, was chosen by Chevron, the second bigges: American oil company, to explore the shale gas deposits with the view to a future installation of a forage platform allowing hydraulic fracturing. This choice, supported by the Romanian government, was peacefully but strongly contested[9] by the villagers of this small hamlet and by other Romanian citizens.

The great concern of those opposed to Chevron's project is not so much the shale gas extraction itself, but rather the very controversial technique that is hydraulic fracturing. This technique, which is forbidden in France and Bulgaria and is put under a moratorium in Germany and Holland, to mention just a few, involves injecting at a high pressure a fluid composed of large water quantities (8000 to 20000 m3) and many chemical substances into the parent-rock, which contains the shale gas.

The experience gained, especially in the United States, and several scientific studies have underlined the environmental risks of production of these unconventional hydrocarbons and, *a fortiori,* the health risks: impact on the quantity of water resources, contamination of the groundwater, the release of methane into the atmosphere, etc[10].

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[1] See the link: http://www.un.org/fr/documents/udhr/.

[2] See the link: http://www.ohchr.org/FR/ProfessionalInterest/Pages/CCPR.aspx.

[3] Which is not limited to the right to vote; see point 8 of the General observation no. 25 of the Human Rights Council http://www1.umn.edu/humanrts/gencomm/french/f-HRC-comment25.htm

[4] See the link: http://www.un.org/french/events/rio92/rio-fp.htm.

[5] UN General Assembly resolution A/RES/64/292 and Human Rights Council resolution A/HRC/RES/15/9.

[6] Art.12 of the International Covenant on Economic, Social and Cultural Rights, available here: http://www.ohchr.org/FR/ProfessionalInterest/Pages/CESCR.aspx.

[7] General observation No. 12 of the Committee of Economic, Social and Cultural Rights, E/C.12/1999/5, available here: http://daccess-ods.un.org/TMP/3843591.80927277.html.

[8] Resolution A/HRC/25/L.31.

[9] See the link from min. 2" – 12" : http://info.arte.tv/fr/videos?id=03027346300000.

[10] See the links: http://www.psehealthyenergy.org/data/Bamberger_Oswald_NS22_in_press.pdf; http://stopfracturare.ro/wp-content/uploads/2014/03/Solid-Earth-Observations-of-static-Coulomb-stress-triggering-of-the-November-2011-M5.7-Oklahoma-earthquake-sequence.pdf; http://stopfracturare.ro/wp-content/uploads/2014/03/Estrogen-and-Androgen-Receptor-Activities-of-Hydraulic-Fracturing-Chemicals-and-Surface-and-Ground-Water-in-a-Drilling-Dense-Region.pdf; http://stopfracturare.ro/wp-content/uploads/2014/03/Natural-Gas-Operations-from-a-Public-Health-Perspective.pdf; http://stopfracturare.ro/wp-content/uploads/2014/03/Human-health-risk-assessment-of-air-emissions-from-development-of-unconventional-natural-gas-resources.pdf; http://stopfracturare.ro/wp-content/uploads/2014/03/Impacts-of-Shale-Gas-Wastewater-Disposal-on-Water-Quality-in-Western-Pennsylvania.pdf; http://stopfracturare.ro/wp-

The human rights violations by the Romanian authorities at Pungeşti have been reported from the 4th of October 2013, the day when the American giant obtained the permits to build shale gas exploration probes in Pungeşti. Chevron encountered the peaceful opposition of the inhabitants and of the activists that came from all over the country to block the access of the trucks to the exploration site - 1.92 hectares of land, which was leased to the company by the mayor of Pungeşti, without consulting, nor informing the villagers. As a result, nowadays the mayor is under investigation for misuse of power and forgery of documents, crimes that are related to this renting of land[11].
Thus, starting from the 4th of October 2013, the opponents organized a series of peaceful events in order to prevent Chevron to gain access to the exploration site: non-violent protests[12], installation of a camp on the private property of the land-owner which previously agreed, blocking of roads to obstruct the trucks' access, etc. The resistance movement rapidly increased in scale and the villagers from Pungeşti were supported by numerous inhabitants of the surrounding areas.

The acts of violence perpetrated by the Romanian authorities peaked on several occasions. On the 16th of October 2013, two hundred gendarmes forcibly dispersed about five hundred people who were blocking the road, people among who there were also elders and children. Five people were hospitalized after the confrontation[13]. The 2nd of December 2013, when Chevron decided to continue its activity, at dusk, the police forces illegally and forcibly evicted the camp[14]. The riot police, trespassing private property without a warrant and wearing battle gear, used violence and intimidations, made arbitrary arrests, gave unjustified fines and desecrated the right to private property[15]. It should also be reminded that the journalists were kept away from the area[16].

The 7th of December 2013 was another day of notable violence[17]. The camp was completely evicted and destroyed by the gendarmes, the roads were blocked again and the Minister of Internal Affairs declared the area as a "special security area"[18], which meant that all the movement in that region was restricted, so that even the people who lived there – who

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content/uploads/2014/03/Methane-contamination-of-drinking-water-accompanying-gas-well-drilling-and-hydraulic-fracturing.pdf; http://stopfracturare.ro/wp-content/uploads/2014/03/Increased-stray-gas-abundance-in-a-subset-of-drinking-water-wells-near-Marcellus-shale-gas-extraction.pdf; http://documents.foodandwaterwatch.org/doc/FrackingCrisisEU.pdf.

[11] See the link: http://www.mediafax.ro/social/primarul-din-pungesti-spune-ca-terenul-pentru-care-este-cercetat-a-fost-obtinut-foarte-legal-12121924.

[12] See the link: http://www.goodplanet.info/actualite/2013/10/17/roumanie-village-en-revolte-contre-chevron-les-gaz-schiste/.

[13] See the links: http://www.mediafax.ro/social/explorarea-gazelor-de-sist-de-catre-chevron-blocata-de-protestele-satenilor-din-vaslui-jandarmii-au-intervenit-11523167; http://adevarul.ro/locale/vaslui/protest-lant-uman-pungesti-chevron-1_525e7812c7b855ff5643713b/index.html#.

[14] See the links: http://www.goodplanet.info/actualite/2013/12/02/roumanie-intervention-des-gendarmes-contre-des-opposants-aux-gaz-de-schiste/; https://www.youtube.com/watch?v=ve_BLQ9uUYI; https://www.youtube.com/watch?v=wej8NsgUoQw; http://www.romandie.com/news/n/_Roumanie_intervention_en_force_des_gendarmes_contre_des_opposants_aux_gaz_de_schiste74021220130648.asp; http://www.vrn.ro/chevron-si-jandarmeria-au-pornit-in-toiul-noptii-un-nou-asalt-la-pungesti.

[15] See the villagers' testimonies of events: https://www.youtube.com/watch?v=VVMM_mPMb8g – subtitled in English and French.

[16] See the link: https://www.youtube.com/watch?v=iP6UG2yqhKc.

[17] See the links: http://www.foeeurope.org/Solidarity-with-Punge%C5%9Fti-071213; https://www.youtube.com/watch?feature=player_embedded&v=dpc1xVHs44Q;https://www.youtube.com/watch?v=mXnaLi4alkU; https://www.youtube.com/watch?v=JtgGSFd1kdk; https://www.youtube.com/watch?v=nOVihxpNI5M; http://www.reporterre.net/spip.php?article5119; http://www.longtailpipe.com/2013/12/video-reports-from-anti-hydraulic.html; http://revolution-news.com/villagers-from-pungesti-stop-chevron-fracking-again-riot-police-unleash-terror-at-night-in-retaliation/.

[18] See the links: http://www.goodplanet.info/actualite/2013/12/09/roumanie-chevron-reprend-ses-activites-dans-les-gaz-de-schiste/; http://www.hotnews.ro/stiri-esential-16158488-localnicii-din-pungesti-mobilizeaza-pentru-nou-protest-dupa-chevron-anuntat-duminica-dimineata-reluarea-lucrarilor.htm;

were not officially informed about that – couldn't move freely anymore[19]. Moreover, several protesters were criminally prosecuted[20].

The Association for the Defense of Human Rights in Romania – Helsinki Committee (APADOR-CH), a renowned NGO, wrote a report[21] and an open letter[22] in which the Romanian government is accused of having violated fundamental rights that are also recognized by the Romanian Constitution: the freedom of movement (art. 25), the freedom of expression (art. 30), the right to information (art. 31) and the freedom of assembly (art. 39).
In December 2013, several European Parliament members denounced the abuses made by the Romanian police[23].
There are other places, like Puieşti and Moşna[24], where shale gas exploration was also linked to forms of abuse. The civil society tries to stay informed and to monitor the events that take place in Romania, in order to expose and hopefully prevent potential abuse[25].

Our organisations call on:

- the Special Rapporteur on the situation of human rights defenders
- the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes
- the independent expert on human rights and the environment
- the Special Rapporteur on the human right to safe drinking water and sanitation
- the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

to turn their attention to the situation in Pungeşti, the serious violations of human rights which have already occurred and those which would undoubtedly happen if the shale gas exploitation were to start.

Concerned by this dramatic situation, we ask the Romanian state to respect its commitments regarding human rights, to stop any form of abuse and also to find and punish, according to the law, all those people that perpetrated human rights violations.

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http://adevarul.ro/locale/vaslui/video-comuna-pungesti-declarata-zona-speciala-siguranta-publica-1_52a46389c7b855ff568bb1f6/index.html.

[19] See the links: https://www.foeeurope.org/sites/default/files/20140131114817186.pdf; http://www.lemonde.fr/planete/article/2013/12/23/pungesti-le-village-roumain-qui-resiste-au-gaz-de-schiste_4338946_3244.html; http://epochtimes-romania.com/news/remus-cernea-la-pungesti-oamenii-sunt-umiliti-si-terorizati-de-autoritatile-statului---208701.

[20] See the links: http://frackoffromania.wordpress.com/2013/12/24/37-protestors-from-pungesti-risk-two-to-seven-years-of-imprisionment/; http://www.digi24.ro/Stiri/Digi24/Actualitate/Justitie/Urmarire+penala+37+protestatari+7+decembrie+Pungesti.

[21] See the links: http://www.theecologist.org/News/news_round_up/2214907/pungesti_villagers_living_in_terror_of_police_violence.html; http://www.apador.org/raport-privind-evenimentele-recente-din-comuna-pungeti-2/.

[22] See the link: http://www.apador.org/scrisoare-deschis-despre-abuzurile-de-la-pungeti-2/ in collaboration with other NGOs.

[23] See the links: http://jose-bove.eu/Lettre-ouverte-en-solidarite-avec?lang=fr; http://www.greens-efa.eu/fr/fracking-in-romania-11314.html.

[24] See the links: http://www.channel4.com/news/fracking-romania-protests-pungesti-chevron-victor-ponta; http://www.neuerweg.ro/shale-gas-in-romania-victory-over-illegally-working-exploration-company/; http://www.vrn.ro/chevron-deschide-al-doilea-front-la-puiesti.

[25] See the links: https://frackoffromania.wordpress.com/; http://www.gazedesist.ro/; http://farafracturare.ro/; http://stopfracturare.ro/.

United Nations A/HRC/26/NGO/14

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Human Rights Council
Twenty-sixth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Al-khoei Foundation, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-03887 (E)
1403887

Please recycle

Rising Anti-Shia Discrimination in Indonesia and the Curtailment of Freedom of Expression and Opinion

The Al-khoei Foundation is an international charitable organisation, founded in 1989 by the late Shia Muslim spiritual leader Ayatollah Al-khoei, which has had General Consultative Status with the ECOSOC since 1998. The Foundation works to promote the freedom of religion, tolerance, respect and justice for religious groups worldwide and actively supports all initiatives that foster peaceful co-operation and friendship between different religious and non-religious groups.

The Foundation works at local, national and international levels for the education and welfare of Muslim communities by running schools, and educational and community centres. We also undertake grassroots work such as chaplaincy in hospitals and prisons. We initiate projects which promote the empowerment of women and youth, and undertake international work on development, human rights and research into the protection of sacred sites during times of conflict. We participate in and sponsor many interfaith and intrafaith initiatives, which bring communities together. The Foundation is a signatory of international faith declarations such as the Amman Message (2004) and the 'A Common World' initiative (2007). We also work hard to raise standards and promote interfaith dialogue in national forums, such as the Mosques and Imams National Advisory Board in the UK, and have helped spearhead initiatives such as the Iraqi Council for Interfaith Dialogue in Iraq.

The Al-khoei Foundation is deeply alarmed by the rise of religious intolerance and religious sectarianism worldwide. The Foundation unequivocally supports the Universal Declaration of Human Rights and the enshrined principles within the Charter of the United Nationals and international law.

We wish to raise our concern that Shia Muslims in Indonesia are being increasingly subjected to discrimination on the grounds of their religion and beliefs, as well as violations of their human rights. Estimates of the number of Shia Muslims in Indonesia vary considerably from one to six million. The majority of Shias are concentrated in the areas of Sumatra, Madura and Jakarta. In recent years, these communities have increasingly been subjected to laws, fatwas and regulations that restrict their right to practice their religion, as well as their freedoms of expression and opinion.

Freedom of religion and belief for all citizens regardless of their faith denomination is enshrined in Chapter XI of the Constitution of the Republic of Indonesia in 1945. However, despite this protection, religious minorities in Indonesia often experience persecution based on their religion or beliefs. One of the greatest obstacles to freedom of expression and opinion in Indonesia is the 1965 blasphemy laws found in Article 156(a) of the Indonesia Penal Code, which allows for a five-year prison sentence for expressing hostility, hatred or contempt against a religion. Only six religions are afforded protection under this act; Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism. Because of the vague nature of these blasphemy laws, they are left open to misuse. Therefore, religious minorities in Indonesia, including Shia Muslims, are often subjected to persecution using Article 156(a) as justification. While Islam is afforded protection under the blasphemy laws, a number of key developments in relation to the Shia interpretation of Islam give cause for concern. In 2012, the Ulama Council in East Java declared Shia Islam to be 'blasphemous' in accordance with this law. Following this ruling, a decree was issued by the Governor of East Jakarta imposing penalties on anyone who propagates 'blasphemous teachings'. Therefore, despite official protection under both the Indonesian constitution and Article 156(a) of the penal code, there is a dangerous trend towards increased discrimination against Shia Muslims.

Curtailments of freedom of expression and opinion in Indonesia are evident in the arrest and sentencing of Shia religious leaders for expressing their religious beliefs. For example, in 2012 the Shia cleric, Tajul Muluk, was imprisoned for four years under the blasphemy laws. He is accused of giving 'deviant teachings', as identified by a fatwa issued by the Sampang branch of the Indonesian Ulema Council. Shia citizens have also been harassed and detained under Article 156(a) – the blasphemy laws - for acts of 'deviancy'.

This trend towards denouncing Shia Islam as 'blasphemous' places members of the Shia minority in direct threat of imprisonment simply for practicing or voicing their beliefs. We believe it is a gross violation of any groups fundamental human rights to declare the beliefs of the group to be 'blasphemous' and we are alarmed by the enforcement of

penalties for supposed breaches of this blasphemy law by Shia Muslims. The Foundation welcomes the recommendations made by the Special Rapporteur on Freedom of Religion and Belief for blasphemy laws worldwide to be repealed.

Furthermore, examples of communal anti-Shia violence have emerged to cause concern among Shia citizens and both domestic and international observers. Shia citizens have been subjected to acts of violence, vandalism and intimidation by extremist groups, such as the Islamic Defenders Front (FPI), as well as members of the public. According to the Jakarta-based Serata Institute, attacks motivated by religious hatred have risen between 2007 and 2012 from 135 to a reported 264 incidents. For example, according to the BBC, in 2011 on Madura Island a Shia community was attacked by a large group of angry members of the public, resulting in one reported death and dozens of injuries. The community was forced to relocate to a local sport centre after their homes were destroyed and threats were made by other local residents, forbidding their return. Often these attacks against Shia citizens or other religious minorities go unpunished with incidents receiving minimal attention from the authorities and perpetrators not brought to justice. The Al-khoei Foundation calls on the Indonesian government to bring the perpetrators of acts of violence and intolerance such as these to justice.

A significant factor in the rising discrimination against Shia Muslims is the increasingly vocal anti-Shia stance being advocated by certain hard-line groups. Most recently, and most worryingly, a self-proclaimed 'anti-Shia' convention was convened in Jakarta in April 2014. This event was organised by the Anti-Shia Alliance and attended by a significant number of people, including several Indonesian government officials and representatives from the Islamic Defenders Front. During the event, an 'anti-Shia declaration' was drawn up, which called for Shia Islam to be banned and for action to be taken against Shia organisations, including revoking all licences. This convention constitutes a serious turn of events that marks a bolder and more public attempt to marginalise and victimise the Shia communities within Indonesia.

The situation in Indonesia echoes in some respects that of a growing trend towards the marginalisation of Shia Muslims in other South-East Asian states. The Shia community in Malaysia faces increasing oppression following the reinstatement of a 1996 fatwa that has declared Shia Islam to be a heretical sect. Fatwas and local government rulings are increasingly curtailing the right of Malaysian Shia Muslims citizens to practice their religion and express their opinions freely. There is a concern that this trend of casting Shi'ism as outside the fold of Islam through state-sanctioned laws might continue into Indonesia. In Indonesia, however, the discrimination against Shia Muslims has not been written into law. The government must act before this happens to ensure that the rights of all religious minorities to practice and speak freely in regards to their religions are protected.

The Al-khoei Foundation whole-heartedly supports the recommendation made by Canada to Indonesia during the 2012 Universal Period Review in which it called for Indonesia to "Undertake measures to protect members of religious groups, including Ahmadis, Baha'is, Christians and Shias from harassment and acts of violence. This should commence with holding senior law enforcement accountable for their duties that include training for law enforcement officials at the local level to ensure an effective and adequate response to these incidents. This would also include reviewing laws and regulations which discriminate, directly or indirectly against one's religion or belief, including in particular the Blasphemy Act". (Recommendation from Canada to Indonesia, Universal Periodic Review 2nd Cycle, Session 13, Adopted: 19th September 2012) The Foundation welcomes Indonesia's acceptance of the recommendation and encourages the government to continue to act in a way that strengthens religious tolerance. In September 2013, the government refused to accept the demands of hardliners calling for a ban on Ahmadis. We call upon the government to extend this strong affirmation of religious freedom to Shia Muslims also.

In order to live up to the respect for religious pluralism and tolerance espoused in its constitution, Indonesia must take steps to curb the increasing targeting of, and discrimination against, religious minorities. This can be achieved through continuing to foster a national culture of acceptance and respect for all religious groups. The Indonesian government should meet its obligations to hold accountable any police, government officials, and members of other groups implicated in human rights abuses. The Al-khoei Foundation calls on the Indonesian government to uphold the principles of pluralism and tolerance so often found in Indonesia's history by ensuring the protection of minority religious groups and their places of worship.

Accordingly, there are a number of further suggestions that the Al-khoei Foundation would like to make to the following parties:

To States:

- To examine further the pattern, and rising threat, of violence against Shia Muslims and other religious minorities in Indonesia as part of a wider pattern of the encroachment on the rights of religious minority groups worldwide.
- To urge Indonesia to repeal its blasphemy laws and extend equal recognition to all religious groups.
- To speak out against the persecution of Shia Muslims in Indonesia, and take steps to prevent the situation escalating into further human rights abuses and sectarian violence.

To the Special Rapporteur on Freedom of Expression and Opinion:

- To continue to speak out against the violation of the rights of minority groups to express their opinions and beliefs without oppression, violence or intimidation.
- We welcome the Special Rapporteur's request to visit Indonesia under his official capacity. We urge him to investigate the human rights violations against the Shia Muslims and other minority groups in Indonesia, in particular the misuse of the blasphemy laws.

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Human Rights Council
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Al-khoei Foundation, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2014]

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GE.14-03889 (E)
1403889

Please recycle

Eliminating All Forms of Discrimination and Violence Against Women

The Al-khoei Foundation is submitting this statement to appeal to the Special Rapporteur on Violence Against Women, its Causes and Consequences to continue her effective advocacy on a number of issues that contribute to violence against women and it's many causal factors.

The Al-khoei Foundation is an international charitable organisation, founded in 1989 by the late Shia Muslim spiritual leader Ayatollah Al-Khoei, which has had General Consultative Status at the Economic and Social Council since 1998. The Foundation works at local, national and international levels for the education and welfare of the Muslim community, and initiates many projects which promote the empowerment of women and youth. We have continued our work with women and young girls with the aim of enlightening and educating them through various seminars and workshops.

The Al-khoei Foundation recognises that today there are still far too many incidences of violence against women worldwide in both public and private spaces. From domestic violence and child abuse to violence in conflict and Female Genital Mutilation and many others, violence against women and girls sadly manifests in a number of different ways. Women who live in urban areas, particularly in developing countries, can be up to twice as likely as men to experience violence and data gathered by UN Women in 2013 estimates that around 35% of women globally have experienced either physical or sexual violence, although in some national studies that number can rise to as high as 70% in their lifetime.

The Al-khoei Foundation believes that it is important to address violence against women as it is not only a violation of a women's human right to protection from harm, safety and self-determination; it also limits the social and economic progress of families, communities and countries by reducing their participation in society. Women represent half of human society and if the females within society are incapacitated physically, mentally or economically they will be unable to fulfil their roles as mothers, wives, workers and citizens.

The underlying cause of much of this violence arises from discrimination against women and deep inequalities between women and men in society. To truly eliminate violence against women and girls these inequalities must be addressed and all discrimination towards women, which impedes their participation in decision-making processes at the home, local, national and international levels. It will require a holistic approach to women's rights, beyond the current dichotomy of civil and political rights on the one hand and economic and social on the other, recognising that women's physical security and freedom from violence are inextricably related to their economic, social and political integration into society as a whole, as the Special Rapporteur detailed in her 2009 report. The attention and support of government officials as well as non-state actors worldwide will remain essential if this wish is to be realised. Although the Millennium Development Goals do not specify that violence against women should be eradicated, the Third Goal, to Promote Gender Equality and Empower Women, contains many policies that address the underlying causes of such violence.

There are many reasons for the abuse of women, be it cultural or otherwise, which we cannot allow to be used as justification for violence and discrimination against women. However, we believe that more attention needs to be paid to research the role that sexual objectification of women in public television broadcasting, films, pornography, magazines, advertising and computer games plays in undermining the status and equality of women. In addition, the Al-khoei Foundation believes that there is a strong link between intoxicant-abuse and cases of domestic and non-domestic violence against women and other family members, and we would urge States to investigate the role of alcohol and drug addiction and provide support and rehabilitation for victims.

We firmly believe that our faith can provide us with the tools to deal with this devastating social problem, but also recognise that all too often religion is used as a pretext for undermining the capabilities of women and girls. We echo the sentiments of the United Nations Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, who told the UN General Assembly in 2013 that "harmful practices inflicted on women or girls can never be justified in the name

of religion," and his condemnation that "[c]ountless women are exposed to complex forms of human rights violations based on both religion or belief and their sex."

The efforts of The Al-khoei Foundation, in collaboration with other organizations, has advocated to mark an important day in the Islamic calendar, the 1st of Safar, to be the day for the Elimination of Violence Against Women. The 1st of Safar is the day when the women and children from the Prophet Muhammad's household returned from the Levant to southern Iraq after the tragic Battle of Karbala when Imam Hussain(a) and the majority of the other men in the Prophet(s)'s family were martyred and women were taken as prisoners of war.

The Al-khoei Foundation is dedicated to promoting the welfare of the community, and we have undertaken a number of initiatives that relate to the protection and empowerment of women, girls and their fundamental rights.

Eradicating violence and discrimination against women and girls will undoubtedly include the elimination of Female Genital Mutilation (FGM), a grave violation of the rights of girls and women and an act of gross violence that the Al-khoei Foundation has taken efforts to campaign against in the United Kingdom. FGM is most often practised on girls between infancy and the age of fifteen, but it includes procedures that intentionally alter and/or cause injury to the female genital organs for non-medical reasons with no health benefits and can bestow a health legacy which can significantly impede their health for the rest of their lives. We believe the practice reflects deep-rooted inequality between women and men, with UN Women estimating that 140 million girls and women worldwide have been subjected to the practice.

We would like to state unequivocally that FGM is not a religious requirement and should have no place in Islam. Causing harm and distress is not condoned by our faith, yet it is still sadly practiced in some communities who claim it to be under the remit of their culture or religion. The Al-khoei Foundation is engaging with efforts to eradicate FGM within the United Kingdom, working on an intrafaith and interfaith level, by becoming a signatory to an FGM Declaration for religious groups which condemns the practice of FGM and states firmly that FGM is not a religious or religiously-condoned practice.

In addition to engaging in FGM awareness-raising, the Foundation will also be supporting the ongoing campaign to eradicating gender-based violence and rape in conflict by participating in the Global Summit to End Sexual Violence in Conflict in London in June 2014.

The Al-khoei Foundation is working with community activists and religious leaders on issues relating to family violence, and abuse and violence against women. This work includes raising awareness about the religious guidelines and legal tools available to deal with violence and its impact, as well as placing a heavy emphasis on prevention schemes. The Foundation provides in-house religious advice and counselling for victims by activists and imams and where necessary refer victims to professional and social services. In addition, we have held workshops training community activists, imams and teachers to deal with cases of violence and awareness-raising seminars that have helped participants understand the complex factors such as culture, faith and family dynamics that contribute to and arise from this sensitive issue.

In tackling the underlying causes of violence against women, the Foundation has realised the paramount importance of involving men in the promotion of women's rights, according to the Islamic perspective. The male support team run by the Foundation is administered separately and trains men in understanding women's rights, the need for their participation in family and community decision-making and for the prevention of discrimination and violence against women, whether it be domestic or public. These men take it as their duty to pass on these values and this different perspective to other men in the community through lectures, one-on-one teaching programmes and seminars, making them agents of change in their community and hastening the overall speed of such change.

The Foundation also believes that empowering women and combating discrimination can be facilitated by the promotion of full education for girls and women. The Al-Zahra and Al-Sadiq schools in London, open to both boys and girls, the Al-Iman school in New York and the Al-Huda school in Montreal, Canada, focus on the growth, development and education of both genders emphasising personal morals and ethics. The Al-khoei Foundation also recognizes the

role of teachers in schools as professionals who may be able to recognize signs of abuse in girls and families and to educate them regarding the existence of violence against women and prevention. In addition, the Foundation strongly believes that women having self-confidence is key to women acknowledging their importance in society, and the Foundation regularly plans trips for young women to encourage them to engage in community participation and their own personal ambitions.

In addition to fostering awareness, self-confidence and equality-levelling structures with men and young girls, we also work to protect and cultivate new lives for widows and orphans in Iraq. Widows are some of the most vulnerable women in Iraqi society. The launch of the Al-Kawthar Project for Widows and Orphans in 2010 was a way for the Foundation to engage on an individual and community level with women in Iraq to help rehabilitate, support, educate and empower widows and young girls, leaving them more protected and less vulnerable to violence, poverty and insecurity than they would otherwise have experienced.

Although much has changed in past decades, there is still much to be done to eliminate violence against women. We call on the Special Rapporteur on Violence Against Women, its Causes and Consequences and for States to:

- Engage more deeply with faith communities on all issues related to violence against women and girls, discrimination, equality and empowerment.
- Continue her work to promote advocacy that dissembles inequalities between women and men in all societies and promote the empowerment of women and young girls.
- Contribute to raise awareness for the education and training of women, especially in relation to refugees, displaced and other vulnerable women such as widows in post-conflict areas of the world, and to promote the campaign to eradicate sexual violence in conflict.
- Continue to engage with men on issues of female equality, discrimination and empowerment as men will be crucial to progress and are an inherent part of any processes that tackle these issues.
- Push for the worldwide eradication of Female Genital Mutilation including the outlawing of FGM, prosecution of offenders and in finding ways to prevent girls being subjected to the practice when visiting their country of origin.
- Promote transnational mechanisms that would protect the full range of women's rights, eliminate violence against women and empower women and girls.

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Human Rights Council
Twenty-sixth session
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Equality Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1403890

Please recycle

Ending sex discrimination in citizenship and nationality laws

Almost 20 years after the adoption of the Beijing Platform for Action, and ten years past the UN's target date for revocation of all sex discriminatory laws, numerous laws that explicitly discriminate against women, including in the area of nationality, are still in force. Over 60 countries around the world have nationality laws which discriminate against women in their ability to acquire, change, retain or confer their nationality to their children and foreign spouses.

This discrimination is causing severe hardship to women, their children and their families. Without citizenship, children and foreign spouses are often subject to a range of restrictions in their job and education possibilities, their ability to travel and their full participation in society generally. They may not be able to open bank accounts or own or inherit property. With respect to children, if they leave their country of birth, they may not be able to return. Discrimination in nationality laws puts a huge strain on family unity, leaving spouses and children feeling particularly vulnerable and, in some cases, increasing the fear of family violence, among other consequences.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which almost all UN States are party, calls upon States "to grant women equal rights with men to acquire, change or retain their nationality" (Article 9.1) and to "grant women equal rights with men with respect to the nationality of their children" (Article 9.2). We applaud the Human Rights Council for having also reaffirmed in its Resolution 20/4 of July 2012 the right to a nationality as a universal human right and for recognising that women and children without a nationality are particularly vulnerable to abuse and violation of their human rights. We echo its call to Member States to refrain from enacting or maintaining discriminatory nationality legislation.

We call now upon governments with sex discriminatory legal provisions on nationality to revise them as soon as possible so that:

• women and men can equally confer nationality on their children wherever born and whether born in or out of marriage

• women and men can equally acquire, change or retain their nationality including the ability to confer it on their spouses

Member States that have entered reservations to international human rights instruments, such as the CEDAW, with respect to nationality provisions should also remove these without delay.

We congratulate those countries which have already made revisions to their laws to remove the discrimination. We understand other countries are in the process of discussing change, and we encourage swift and comprehensive reform in this area. We also appreciate the interim measures put in place by some governments to alleviate the hardships caused by discrimination in nationality laws. However, these should only ever be a step towards expeditious removal from the law, or amendment of, all provisions which continue to discriminate against women with respect to nationality. We hope that governments which have recently amended their legislation will support action by others.

As members of the Global Campaign to End Gender Discrimination in Nationality Laws, together with our partners from around the world working to address this issue, we look forward to this being part of sustained attention to the issue by the Human Rights Council and its mechanisms until Member States remove all discrimination with respect to nationality.

Women's Refugee Commission NGO(s) without consultative status, also share the views expressed in this statement.

United Nations A/HRC/26/NGO/17

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Human Rights Council
Twenty-sixth session
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Equality Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1403984

Please recycle

End Child Marriage – a Target in the Post-2015 Development Agenda

In anticipation of the Human Rights Council panel discussion on preventing and eliminating child, early and forced marriage on 23 June 2014, we call on all governments to support inclusion of a specific target on the issue in the post-2015 development framework with the aim of ending child marriage as soon as possible.

Human Rights Council Resolution A/HRC/RES/24/23 ("the resolution") recognized that "the persistence of child, early and forced marriage contributes to impairing the achievement of the Millennium Development Goals and sustainable and inclusive economic growth and social cohesion, and that therefore the elimination of child, early and force marriage should be considered in the discussion of the post-2015 development agenda." The Open Working Group on Sustainable Development has thus far included the elimination of child marriage, by 2030, in its current working document.

As the resolution also recognized, child marriage, which cuts across countries, cultures, religions and ethnicities, "prevents individuals from living their lives free from all forms of violence." It affects approximately 14 million girls every year and has a profound impact on them throughout their lives and on the community they live in. It violates the rights of girls and women to equality, non-discrimination, health, education, and to live free from violence and exploitation.

A child marriage target within the post-2015 development agenda should include comprehensive national legal framework indicators, in conformity with international law as discussed in Equality Now's report, *Protecting the Girl Child – Using the law to end child, early and forced marriage and related human rights violations*, such as:

- institution of a minimum age of marriage law at 18
- amendment of laws with lower ages of marriage to bring them to 18
- awareness of and implementation of good minimum age of marriage laws
- amendment of laws exempting punishment for rape (and statutory rape), including by disallowing judicial consent to marriage in sexual violence cases
- amendment of discriminatory laws which allow difference in marriage age between men and women
- prohibition of harmful practices associated with child marriage such as female genital mutilation, dowry/bride price, force feeding and trafficking
- requirement and enforcement of birth and marriage registration

In addition, States should undertake a comprehensive review, in conjunction with women's groups, of existing laws to identify and amend any that continue to discriminate against women and girls, as well as those that have a discriminatory impact on women and girls.

Equality Now welcomes the Office of the High Commissioner for Human Rights' report "Preventing and eliminating, child, early and forced marriage," (A/HRC/26/22) as requested by the Human Rights Council, and its recommendation that countries work towards "ensuring a national legal framework in line with international human rights standards, including with regard to age of majority and the legal age of marriage for girls, the prohibition of forced marriage and birth and marriage registration." We also welcome the African Union Commission's new campaign "End Child Marriage" in Africa, which includes the aim of furthering implementation of the Maputo Protocol on the Rights of Women in Africa. This strong regional treaty calls on States to guarantee in their national legislation a minimum age of marriage of 18 for women (article 6(b)).

We hope you will join us in supporting the global effort to end child marriage as soon as possible so girls are protected, their rights are respected, and they and our communities can thrive.

United Nations A/HRC/26/NGO/18

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Human rights situations that require the Council's attention

Written statement* submitted by Mouvement contre le racisme et pour l'amitié entre les peuples, non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Enforced disappearances in the Tibet Autonomous Region and adjacent areas where Tibetans live

The continued systematic practice of enforced disappearances against members of the Tibetan community in the People's Republic of China's (PRC) is a matter of serious concern. Enforced disappearance is internationally recognised as a crime. The enforced disappearance of a person violates an array of fundamental human rights including: the right to security and dignity of person; the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment; the right to humane conditions of detention; the right to a legal personality; the right to a fair trial; the right to a family life and last but not least the right to life.

In the whole Tibetan area, the law forces of the Chinese government commonly use intimidating tactics during an act of enforced disappearance to silence peaceful expressions of political opposition and other grievances. Security officers, particularly the Public Security Bureau and the People's Armed Police, use enforced disappearance to terrorize and intimidate the disappeared person, his or her family members, as well as the entire community. Recent cases of enforced disappearances have been reported from Nagchu Prefecture in Tibet Autonomous Region (TAR) where since September 2013, many Tibetans have been arbitrarily detained and disappeared in Diru County and Sog County for peacefully resisting repressive government policies.

This issue has further been exacerbated by the introduction of amendments made to the PRC's Criminal Procedure Law in 2012. These amendments allow PRC security forces to detain anyone suspected of 'endangering state security' for a period of six months without having to provide any information regarding the detainees' whereabouts. This is in direct contradiction with paragraph two, of article 1, of the International Convention for the Protection of All Persons from Enforced Disappearance.

Many Tibetans are falsely charged of committing national security crimes such as 'endangering state security' or 'leaking state secrets', a charge that excludes them from most other means of judicial redress available to criminal suspects, or even contacts with their family members and relatives. Thus, they are at the total mercy of their captors, the law enforcement agencies of the Chinese government, which justifies the practices implicated in enforced disappearances as a necessary means to ensure "social stability" and "national unity." The Chinese government views Tibetan discontent and protests as acts aimed at "splitting the Chinese Motherland."

The Working Group on Enforced or Involuntary Disappearances and the Committee on Enforced Disappearances have stated that enforced disappearance "cannot and should not be tolerated nor justified whether it is used to counter terrorism or fight organized crime or suppress legitimate demands concerning issues such as democracy, freedom of expression or freedom of religion."

The enforced disappearance of Gedhun Choekyi Nyima, the XIth Panchen Lama

On 17 May 1995 Gedhun Choekyi Nyima and his parents were abducted by PRC authorities, three days after the Dalai Lama recognised the then six-year old Gedhun Choekyi Nyima as the reincarnation of the Xth Panchen Lama.

The PRC authorities have yet to disclose any credible or verifiable information regarding the wellbeing and whereabouts of Gedhun Choekyi Nyima and his parents. In addition, the PRC continues to deny the enforced disappearance of Gedhun Choekyi Nyima and his parents, instead claiming Gedhun Choekyi Nyima's parents had requested the protection of PRC's government, and hence suggesting Gedhun Choekyi Nyima and his family voluntarily removed themselves from society.

This despite calls and requests from the UN Committee Against Torture, the UN Committee on the Rights of the Child, as well as Special Rapporteur on Freedom of Religion or Belief for the PRC to disclose information about Gedhun Choekyi Nyima and his parents.

Furthermore, the PRC has yet to respond to the request made by UN Committee on the Rights of the Child in 2013, to immediately allow an independent expert to visit Gedhun Choekyi Nyima and verify his health and living conditions. This prolonged disappearance of the second highest lama in the Tibetan hierarchy has raised fears amongst Tibetan Buddhists about his wellbeing and the possibility of him having his rights denied, in particular his religious freedoms.

The enforced disappearance of Chadrel Rinpoche

On 17 May 1995, Chadrel Jampa Trinley Rinpoche (the then president of the search committee for the reincarnation of the Panchen Lama) and Jampa Chung-la (the then secretary of the committee) were detained by PRC security forces at Chengdu airport. They were accused of 'endangering state security' and 'leaking state secrets', after it emerged that they had contacted the Dalai Lama regarding the recognition of the XI[th] Panchen Lama.

However, it was only two years later, on 5 May 1997, that the official Chinese media announced that Chadrel Rinpoche had been detained by the PRC authorities. On the same day it was also announced that he had been sentenced to six years imprisonment and three years subsequent deprivation of political rights, after being tried in secret on 21 April 1997. Thus, due to the PRC's claims that he was involved in 'endangering state security' and 'leaking state secrets', he was denied the basic right of a fair and public trial by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him, as provided in article 10 of the Universal Declaration of Human Rights.

Despite the PRC's Criminal Law stating that the length of time spent in custody prior to being convicted is counted in the term of prison sentence; Chadrel Rinpoche did not have his full time spent in custody factored into his sentence.

In late 1997, unofficial information began to circulate regarding where Chadrel Rinpoche was being detained, with claims that he was to serve his sentence in Chuandong No. 3 Prison, Tazhu County, Sichuan Province. Chuandong No. 3 Prison is a top security prison, generally used for the detention of political prisoners and renowned for its strict enforcement of restrictions on detainees' contact with the outside world. Subsequently, these restrictions prevented access to information regarding whether Chadrel Rinpoche was able to access medical treatment after it was reported that he was in poor health after conducting a hunger strike protest.

It was not until February 2001 that new information regarding Chadrel Rinpoche's detention emerged, after the UK Foreign and Commonwealth Office received information from representatives of the PRC regarding his sentencing. This i .formation contradicted previous information provided by PRC representatives by stating that Chadrel Rinpoche's trial had taken place in 1996 and hence, according to the same information, he was due to be released in May 2001. Despite this, however, throughout 2001, the PRC failed to provide any more information regarding his release.

However, in a meeting in Madrid in March 2002 between EU and PRC officials, the PRC delegation restated an earlier report by TCHRD that Chadrel Rinpoche had been released, though no information regarding his exact whereabouts were provided. The lack of information since then has however led to conflicting reports regarding the fate and condition of Chadrel Rinpoche. Recently information received from a reliable source suggest that Chadrel Rinpoche may still be alive but remains under house arrest with the location of his detention being kept secret.

This continued incommunicado detention after his reported release in 2002 and refusal to provide credible and verifiable information or to allow independent expert to verify his health and wellbeing violates the fundamental principles of the International Convention for the Protection of All Persons from Enforced Disappearance; as well as his basic fundamental rights enshrined in both the PRC's domestic law, and international law.

Recommendations

In view of the PRC's continued systematic use of enforced disappearances against members of the Tibetan community, we urge the PRC to:

- immediately and unconditionally release Gedhun Choekyi Nyima and his parents, or at the very least, to adhere to the UN Committee on the Rights of the Child request to immediately allow an independent expert to visit Gedhun Choekyi Nyima and verify his health and living conditions;
- immediately and unconditionally release Chadrel Rinpoche, or at the very least, to allow an independent expert verify his health and living conditions;
- immediately and unconditionally release those who have voiced their opposition towards the PRC's policy towards Tibetans and subsequently have been subjected to enforced disappearance;
- provide information regarding the place of detention for the immediate family of those detained and to allow family visits;
- end the PRC's security forces' use of enforced disappearances against members of the Tibetan community for peacefully opposing the PRC's policy in the Tibetan area;

- adhere to the International Convention for the Protection of All Persons from Enforced Disappearance and clearly outline their timeframe for ratification of the convention;
- immediately revoke powers given to PRC's security forces under the amendments made to PRC's Criminal Procedure Law in 2012 that allow security personnel to detain someone for a period of six months without having to provide any information regarding their location of detention.

Tibetan Centre for Human Rights and Democracy (TCHRD) NGO(s) without consultative status, also share the views expressed in this statement.

United Nations A/HRC/26/NGO/19

General Assembly

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3 June 2014

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Human Rights Council
Twenty-sixth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Aliran Kesedaran Negara National Consciousness Movement, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-03986 (E)
1403986

Please recycle

Freedom of Expression in Malaysia*

Freedom of speech and expression is enshrined in Article 10.1(a) of the Federal Constitution of Malaysia. However, the guarantee of such a right is severely limited and qualified by broad provisions in Article 10.2(a), which stipulates that Parliament may impose *"such restrictions as it deems necessary or expedient in the interest of the security of the Federation or any part thereof, friendly relations with other countries, public order or morality and restrictions designed to protect the privileges of Parliament or of any Legislative Assembly or to provide against contempt of court, defamation, or incitement to any offence"*.

Parliament's power to define what is *'necessary or expedient'* has allowed executive arbitrariness and subjectivity. The power of the executive over the judiciary has long been a source of concern in the restriction of fundamental human rights. These concerns have been raised repeatedly at the international level, including at the recently concluded UN Universal Periodic Review (UPR) of Malaysia held in Geneva on 20 March 2014. Here it was noted that legislation including the Sedition Act, the Printing Presses and Publications Act, the Official Secrets Act, the Evidence Act, the Communications and Multimedia Act, the Film Censorship Act, and provisions of the Penal Code systematically undermine the freedoms of speech, expression and information. Eleven member States[1] raised concerns or made recommendations on freedom of expression and assembly in Malaysia.

Sedition Act 1948

This Act continues to be used to curtail freedom of expression despite a pledge by the Government to repeal the law.[2] Although the Government has indicated that a National Harmony Bill will replace the Sedition Act, there has been very little further information. Organisations including the Malaysian Bar and Suhakam are still not privy to the content of the proposed Bill and key stakeholders have been kept in the dark.

On 18 May 2013, 24-year-old student activist, Adam Adli, was arrested over remarks he made at a public gathering on 13 May 2013, at which he urged the public to take to the streets to protest against electoral fraud. He was investigated under Section 4 of the Sedition Act and Section 124 of the Penal Code for *'actions detrimental to parliamentary democracy'*[3]. He was interrogated for five days and remanded in poor conditions, including being forced to sleep without a pillow or blanket.[4] On 23 May, Anything But Umno (ABU) leader Haris Ibrahim, Parti Keadilan Rakyat (PKR) member of parliament Tian Chua, and Parti Islam Se-Malaysia (Pas) member of parliament Tamrin Ghafa were arrested under the Act for allegedly making seditious statements in the same forum. They were released on 23 May without any charges being brought against them; however, the police then re-arrested the three on 28 May.

Another student activist, Safwan Anang, along with civil society activist Hishamuddin Rais, was also arrested and charged under the Act, appearing at the Kuala Lumpur High Court on 29 May. All pleaded not guilty and bail was set at RM5000. Tian Chua, Hishamuddin Rais, Tamrin Ghafar and Haris Ibrahim paid the bail and were released pending trial.[5] As an act of protest, Safwan Anang did not and was sent to Sungai Buloh prison for two days. On 31 May, he was brought back to Court and was released on bail.[6]

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1 Austria, Canada, the Czech Republic, Denmark, Ireland, Japan, Poland, Russia, Slovakia, the United Kingdom and the United States of America.

2 Prime Minister Najib Razak first announced the repeal of the Sedition Act during a speech at the Attorney General's chambers in 2012. He recently reiterated the pledge to repeal the Act in London on a BBC World News programme on 2 July 2013.

3 Malaysiakini - *"Adam Adli to be charged with sedition tomorrow"*, - 22 May 2013.

4 Malaysiakini - *"No pillow or blanket for Adam to sleep, says lawyer"* - 21 May 2013.

5 Free Malaysia Today – 'Tian Chua and three others face sedition charge' - 29 May 2013.

6 ABN News – 'Student activist Safwan Anang freed on bail' - 31 May 2013. The decision of Safwan's case will be made on May 16 2014.

In February 2014, the Court dismissed an application made by Tian Chua, Adam Adli and Hishamuddin Rais to quash the sedition charges. (The application was made on the grounds of abuse of the court process and the fact that the prime minister had promised to repeal the Sedition Act in 2012.) On 5 March 2014, they filed a second application on the grounds that the charges were a breach of the Federal Constitution guarantee of freedom of expression.[7]

On 21 February 2014, the Kuala Lumpur High Court found prominent human rights lawyer Karpal Singh guilty under Section 4(1)(b) of the Sedition Act 1948. The prosecution stemmed from a press conference on 6 February 2009 at Karpal Singh's chambers at the height of a constitutional crisis in Perak state that year following the 2008 elections.

Karpal had questioned the decision of the Sultan of Perak, Sultan Azlan Shah, (who previously served as Lord President of the Supreme Court) to fire the Chief Minister. Karpal suggested this was beyond the Sultan's constitutional powers. He was initially acquitted of sedition charges on 11 June 2010 by the high court without his defence being called. But following an appeal by the prosecution, the Court of Appeal ordered Karpal Singh to enter his defence.

The case was returned to the high court for Karpal's defence and he was subsequently convicted and fined by the high court. However, with appeals against the conviction and sentence outstanding, Karpal Singh died tragically in a road accident on 17 April 2014.

Printing Presses and Publication Act 1984 (PPPA)

The PPPA allows government control over the media. Regulation ensures that only those media companies closely linked to the ruling coalition are allowed to operate.

On 19 December 2013, *The Heat*, a news weekly, was suspended indefinitely by the Home Ministry. This was widely believed to be over a front page article on Prime Minister Najib Razak and the free-spending lifestyle of his wife, Rosmah Mansor. This suspension prompted the Malaysian Bar to call for the PPPA to be repealed on the grounds that it curtails media freedom of expression and hence limits one of the checks to government abuse of power. The Bar stressed that there should be an independent commission for media publications as arbitrary licensing in the hands of the Home Minister has no place in a modern democracy.[8]

Throughout 2013, thousands of copies of opposition political party publications were seized and destroyed. These included Parti Islam's *Harakah*. Parti Keadilan Rakyat's *Suara Keadilan* and the Democratic Action Party's *The Rocket*. Officers from the Home Ministry not only seized the publications but also raided vendors' stalls. The Home Minister alleged that the publications had violated Section 5 of the PPPA for distributing the party papers to non-party members.

Media control and censorshop

Malaysia's mainstream media remains significantly state-controlled. Malaysia was ranked 145th on the Reporters without Borders Media Freedom Index in 2013. On 3 May 2013, the Centre for Independent Journalism (CIJ)[9] marked World Press Freedom Day by pointing out that violence and abuse were being carried out against the Malaysian media in the run-up to the 13th General Election. CIJ found 13 media-related violations since April 2013 ranging from online technical interference to physical attacks on reporters.

In April 2013, just days after parliament was dissolved and the date for the general election was announced, various alternative media websites including *Free Malaysia Today, Malaysiakini, the Malaysian Insider* and *Sarawak Report'* were targeted by consistent Distributed Denial of Service (DDoS) attacks. Independent radio stations *Radio Free*

7 The case will be heard on 22 May 2014

8 The Malaysian Times, 'Repeal printing presses publications act, urges Malaysian Bar' - 28 December 2013.

9 Yahoo News - 'GE13 CIJ says media being abused in election coverage' - 3 May 2013.

Sarawak and *Radio Free Malaysia* also had their broadcasts systematically jammed.[10] In April 2014, it was reported that *Radio Free Sarawak* broadcasts were once again being jammed.[11]

On 3 July 2013, Pusat Komas, together with the KL and Selangor Chinese Assembly Hall Civil Rights Committee (KLSCAH CRC), organised a private screening of *No Fire Zone*, a film about atrocities in Sri Lanka.

Prior to the screening, one of the organisers, Lena Hendry, received a call from the Censorship Board of the Ministry of Home Affairs, asking the organisers not to screen the film because it had not been passed by the Censorship Board. She replied that the screening was private and attendance was only by invitation. The Sri Lankan Embassy in Malaysia also tried to stop the screening.

Half an hour after the start of the screening, about 30 officials from the Home Ministry (KDN), immigration officials and the police entered the venue and requested to check the film. After the screening, these officials insisted on checking the identity cards of all participants before they left the venue; they also ordered the organisers to go to the police station.

On 19 September,[12] the Home Ministry and Attorney General's Chambers filed a charge against Lena Hendry under Section 6 of the Film Censorship Act 2002 for screening a film that had not been approved by the Censorship Board. Lena Hendry was granted bail of RM1000 pending trial. If convicted, Ms. Hendry is liable to a fine between 5000 and 30,000 ringgit or to imprisonment for a term not exceeding three years or both.

Recommendations

We entreat the UN Human Rights Council to make urgent representations to the Malaysian Government, urging them to:

- Repeal the Printing Presses and Publications Act in order to protect press freedom;
- Repeal the Sedition Act as promised by the prime minister to protect freedom of expression;
- Revoke the amendment of 114 A to the Evidence Act to shift back the burden of proof of offences to the prosecutor;
- Revise the Malaysian Communications and Multimedia Act to safeguard freedom of information and expression on the internet.

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* Suaram Rakyat Malaysia (SUARAM) NGO(s) without consultative status, also share the views expressed in this statement.

10 Human Rights Watch – *"Malaysia: Violence, cyber attacks threaten elections"* - 1 May 2013.

11 Sarawak Report – 'CAUGHT! Malaysia's RTM linked to illegal jamming of RFS' - 26 April 2014.

12 MSN News – 'KOMAS staff charged for no fire zone screening' - 18 September 2013.

United Nations A/HRC/26/NGO/20

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Human Rights Council
Twenty-sixth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International Educational Development Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-03994

1403994

Please recycle

Challenges to the right of freedom of expression

International Educational Development, Inc. and the Association of Humanitarian Lawyers consider that the right of freedom of expression is one of the most important rights and is the cornerstone of political participation and democracy based on the will of the people.[1]

However, the right is increasingly challenged by both government restrictions and the impact of new technologies, and we are especially concerned about some of them. In industrialized countries as well in developing ones there are increasingly topics that are heavily restricted or communities whose views are either disregarded, not available or even suppressed or criminalized. The right is further hampered by unacceptable levels of killing, kidnapping, disappearing, arresting, attacking or threatening journalists, including "citizen" journalists, bloggers, and others who impart information on the internet. The right also challenged by unequal access to means of dissemination of information. Finally, the ability of governments to engage in surveillance via the internet and communication devises negatively impacts the right.

Restricted topics

We are alarmed at the number of taboo topics – topics that governments restrict or censure from being disseminated. The topic of self-determination, for example, is increasingly a taboo topic and groups claiming the right are frequently subjected to violations of their rights. Groups seeking some autonomy or even severance from governments they consider oppressive face arrest and criminalization. This has occurred against the Oromos people in Ethiopia, the Ogaden people in Somalia, the Kurdish people in Turkey and Iran, the Sikh people in India's Punjab, the Rohingya people in Myanmar, the Tamil people in Sri Lanka, the Kashmiri people in Indian-controlled Jammu and Kashmir, the Tibetian and Uyghur in the People's Republic of China and against many other groups. In our view, the lack of adequate attention to the right to self-determination by the Council exasperates the situation of oppressed groups, as there is no proper evaluation of situations under the accepted criteria of the right: an identifiable territory, historic governance in that territory, a social or cultural distinction, a group will to achieve self-determination and the capacity of the group for self-governance. Governments also increasing invoke the label "terrorist" against peoples who urge more autonomy or self-governance and against groups who have taken up arms in accordance with Protocol Additional I of the Geneva Conventions. Other States ignore their obligation to assist a group achieve self-determination in accordance with the Charter, human rights instruments and basic principles of international law. All this has a decided chilling effect on journalists and the free flow of information and has led to the death of thousands of civilians.

In a number of countries, there are restrictions regarding promoting gender equality or reporting on gender inequality or on reporting on issues related to lesbian, gay, bisexual, or transgender issues. Many States have restrictions regarding dissemination of information regarding religions. For example, in China, only one group of Christians are recognized and those Christians belonging to other groups cannot function openly or transmit information. A number of States even have laws criminalizing people who change their religion. For example, in certain States in India, there are laws criminalizing religious conversion. In some States, certain political parties are attacked by government officials or have their activities restricted or even made illegal.

Violence against journalists

Most reliable information indicates that journalists, civilian journalists, bloggers and "netizers" face violence not only from government authorities but also from civilian groups such as those adhering to extreme political or religious beliefs. In the past few years, the number of journalists who are kidnapped is rising. While certain countries such as Somalia and Syria take the lead in these areas, there is a decided up-tick in sub-Saharan Africa. Violence against journalists is especially disturbing in Uganda, where there is also a government-sponsored criminalization of the LGBT community. Other States have elevated incidences of violence against journalists. For example, in Bangladesh there were 271 attacks against journalists in 2013.

Unequal access to the means of dissemination

[1] Association of Humanitarian Lawyers researcher Anna Pham assisted in the preparation of this document.

Unequal access to means of communication is a problem with serious consequences. Some unequal access is a result of poverty and illiteracy. Some, especially of certain minorities, is a result of isolation. For example, certain indigenous peoples in the Amazon basin have no electricity, no newspapers, no cell phones, and cannot read. Some are unable to communicate their views to the State authorities and yet they face loss of land, land rights, and, in some cases, even their ability to be an indigenous group at all. Some unequal access is a result of direct discrimination by States. For example, in the Islamic Republic of Iran, the Kurdish areas face limited telecommunications and the use of the Kurdish language is restricted. This inhibits their chance of improving their social circumstances and also keeps other Iranians from understanding the situation.

Government surveillance

Special Rapporteur La Rue addressed the issue of government surveillance and how it undermines freedom of expression in his report A/HRC/23/40. However, most States have not reviewed their national laws in this regard as he suggested. People and groups working to end this type of surveillance have not been able to stop it, and those disseminating information about it continue to be attacked and threatened. For the most part, the right to privacy from government surveillance is completely eroded. The problem is not just the ability to put tap on the fiber-optic cables, but also due to ever-more-sophisticated satellite surveillance. There is also a problem in that only a relatively few States have the capacity for most of the surveillance technologies.

Conclusion

We have greatly appreciated the work of Special Rapporteur La Rue as he has tackled the increasingly complex ways and means for imparting information and with restricting it and we will miss his outstanding work on this topic. The next mandate holder will have to address ever-more-sophisticated means of impairing the free flow of information and must also take on the issues of website filtering, piracy, privacy and political oppression using means of dissemination of information. We hope that attention will be given to the taboo topics, especially the right to self-determination. We ask the Council to seriously consider restoring the right to self-determination as a separate agenda item and that it will evaluate properly claims made to the rights by affected groups.

United Nations A/HRC/26/NGO/21

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Human Rights Council
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Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Women's Human Rights International Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1404489

Please recycle

Attack by prison guards on defenceless political prisoners in Evin Prison in Tehran

On Thursday, April 17, prison guards raided and severely assaulted prisoners in Section 350 of Evin Prison where political prisoners are held. The prisoners that witnessed the raid state that those who were suspected of having connections with the PMOI were beaten "with the intent to kill".

According to Amnesty International *"Reports of prison guards raiding Section 350 of Tehran's Evin Prison, where many political prisoners are held, have emerged raising fears about the safety of prisoners. The unrest appears to have resulted in prisoners sustaining injuries, including broken ribs. It has been reported that at least 32 individuals from Section 350 have been transferred to solitary confinement in Section 240 of the prison. According to media reports on the morning of 17 April Ministry of Intelligence officials, along with about 100 guards dressed in riot gear reportedly entered Section 350 of Evin Prison, possibly to conduct a search..."*

We have received information that a number of the prisoners were severely wounded and suffered haemorrhages and fractures. Amongst them Gholamreza Khossravi Savadjani, Assadollah Hadi, Javad Fouladvand and Assadollah Assadi are in critical condition. Assadollah Hadi who recently had open-heart surgery, is in a serious condition. The guards also destroyed all prisoners' belongings and took with them their handwritten documents.

Independent UN Rapporteurs and in particular Mr. Ahmed Shaheed, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, have issued various statements in the past months demanding executions and suppression in Iran to be brought to an end.

On January 22, UN Special Rapporteurs on the situation of human rights in Iran Mr. Ahmed Shaheed and on arbitrary executions Mr. Christof Heyns announced:

"We are dismayed at the continued application of the death penalty with alarming frequency by the authorities, despite repeated calls for Iran to establish a moratorium on executions," the independent experts said, stressing *"the inherently cruel, inhuman and degrading nature of the death penalty.*

Ms. Pillay, the High Commissioner for Human Rights, expressed her concern about the situation of human rights in Iran in a press release on February 21 and stated:

"We are deeply concerned about the reported spike in executions in Iran since the beginning of this year. In just over seven weeks, at least 80 people have been executed. Some reliable sources indicate the figure could be as high as 95.

An escalation in executions, including of political prisoners and individuals belonging to ethnic minority groups, was notable in the second half of 2013. At least 500 people are known to have been executed in 2013, including 57 in public. According to some sources, the figure may be as high as 625."

Since the presidential election in Iran last June, the situation of human rights has deteriorated. Pledges for freedom of expression and respect for human rights have failed. Only a firm policy against the Iranian government can help the Iranian people who are suffering from oppression.

We, the undersigned societies, are calling for a firm policy against the violation of human rights in Iran. We call on the European Union and the international community to make conditional any improvement and expansion of political and economic relations with this Government to the improvement of human rights in Iran. We condemn the raid on the defenceless prisoners in Evin Prison and urge the High Commissioner for Human Rights Ms. Navi Pillay and the Special Rapporteur on the situation of human rights in Iran Mr. Ahmed Shaheed to condemn this act.

United Nations A/HRC/26/NGO/22

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Human Rights Council
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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Asylum Access, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1403995

Please recycle

Mainstreaming Refugee Work Rights into the Implementation of the Guiding Principles on Business and Human Rights

Asylum Access welcomes the action undertaken by the United Nations Working Group on Business and Human Rights in mainstreaming human rights into the operations of both national and transnational corporations. We urge the Working Group to ensure that these principles are specifically applied in the refugee context and that labor violations for refugees are prevented, investigated, punished and redressed through effective policies, legislation, regulations and adjudication. We call upon the Working Group to specifically include refugee work rights in its implementation of the *Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework*, and in doing so, we urge it to consider the following recommendations.

Overview

There are an estimated 16 million refugees in the world today, who will remain in exile for an average of 20 years. International law explicitly obliges host governments to afford these individuals a right to access the national labor market and labor protections while in exile. Despite this clear articulation, refugees' work rights are rarely observed by nations and corporations in practice. In reality, many, if not most, of the world's forcibly displaced are barred from accessing formal employment and are subject to abuse by employers in their first country of refuge. This means that most refugees will spend a generation unable to access the right that would permit them to rebuild their life and restore dignity. Even in situations where refugees are afforded a legal right to work, discrimination, exploitation, and abuse in the workforce are routinely reported.

Despite their disenfranchised and vulnerable state, refugees have been largely left out of the Business and Human Rights discussions. Traditionally the forcibly displaced have been viewed from the humanitarian, rather than the human rights lens. The *Guiding Principles on Extreme Poverty and Human Rights* specifically mention refugees and asylum seekers as among those "particularly vulnerable to extreme poverty."[1] These Principles note that those in poverty are often seen as "passive recipients of government aid or charity, when, in fact, they are rights holders with entitlements to whom policy makers and other public officials must be held accountable."[2] This correction in approach is essential for refugees to achieve dignity, self-reliance, and recognition as people with rights, not just needs, by private sector and government actors.

By including refugees in the Business and Human Rights discussion and applying the United Nations 'Protect, Respect and Remedy' framework to refugee work rights, host countries may enjoy the socio-economic benefits of a dignified, self-reliant refugee population, and refugees will be protected from abuse and given access to their basic human rights. When refugees are given an opportunity to earn an income and achieve self-sufficiency, they invest in their families and communities, serving the development objectives of countries. Leaving this population out of the conversation ignores the valuable skills refugees often possess—skills that could otherwise contribute to strong business operations. The exclusion of refugees from the Business and Human Rights conversation is thus a barrier to the effective implementation of the Guiding Principles, and leaves holes in the protection of human rights in the context of business activities.

The Working Group's inclusion of refugees will also help to address many parallel rights issues, including poverty reduction and anti-trafficking. Because refugees are often subjected to human trafficking, their inclusion will help serve the UN's goal of eliminating human trafficking and forced labor from the global business landscape.

[1] A/HRC/21/39, para. 8.
[2] Id, para 45.

Recommendations

Asylum Access urges the Working Group to take special care during its country visits to prevent and cite human rights violations in business operations that affect refugees, given that extreme marginalization and vulnerability make this group susceptible to human rights abuse in business. We urge that official country mission reports submitted to the Human Rights Council include human rights and business issues as related to refugees.

We urge the Working Group to visit countries that host large refugee populations in Africa, Asia, Latin America and the Middle East, where the majority of refugees reside and where labor protections are most notably insufficient. Specifically, we urge the working group to visit Ecuador, Thailand, Tanzania, and Malaysia to investigate the application of labor protections for refugees.

Because the Working Group aims to carry out its mandate in a manner that includes consulting and engaging directly with individuals, communities, and national human rights institutions to inform its work, we urge the Working Group to meet with appropriate Asylum Access local offices during country visits to ensure that its findings and recommendations respond to practical and operational realities on the ground.

We urge the Working Group to take into consideration existing standards, initiatives, knowledge, and tools developed by Asylum Access's headquarters and local offices on the subject of refugee work rights. Asylum Access and the Refugee Work Rights Coalition informs universal refugee work rights in its handbook "Global Refugee Work Rights: Taking the Movement from Theory to Practice." Local Asylum Access offices serve the Working Group's desire to consider the input of regional human rights mechanisms.

We urge the WG to consult with Asylum Access's regional consultants who share a similar vision for refugee rights, including the Refugee Work Rights Coalition (RWRC), Asia Pacific Refugee Rights Network (APRRN), and Southern Refugee Legal Aid Network (SRLAN).

Conclusion

The Guiding Principles were born out of, *inter alia*, (1) recurring reports of migrant worker exploitation and the many cases that never attract international attention, and (2) the growing recognition during the creation of the post-2015 development agenda of the human rights aspects of sustainable development and the role business enterprises can play in addressing poverty and inequality. Exploited refugee workers have failed to attract international attention, lending the necessity for attention by the Working Group. Refugee populations must be given the right to contribute to their host country's development goals, and business enterprises must address poverty, inequality social and economical exclusion experienced by refugees.